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A THEORETICALLY PERFECT COUNTY

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One government being enough for most nations, why should it require ten governments to run a New York rural county?

An attempt was made in the office of The Short Ballot Organization last year to draw a diagram of the plan of county government in New York State. When completed, after a laborious examination of myriad statutes and amendments extending back over a long period of years, we had something that looked like a ball of yarn after the cat got through with it. The mass of statutes represented a long series of piecemeal efforts to compel cooperation among ten or more separately-elected officials. In effect, these laws required each official to be obliging to the other officials with whom he was supposed to cooperate. In many cases they were not laws so much as office rules solemnly enacted at Albany and with nobody to enforce them unless resort was made to the slow and elaborate processes of the court.

In part the county is the agent of the state; yet the state has only the weakest sort of negative control over the county and cannot compel it to be an efficient or loyal agent. The people of the county are able to repeal a state law by electing local officials pledged to ignore or soften the law. In practice popular resentment will direct itself at local officials who are enforcing the law rather than at the local members of the legislature who helped to pass it. When the issue in the election of sheriff is frankly whether the sheriff will enforce certain uncomfortable statutes, it is no wonder that the written law loses its capacity to strike terror, and cases are not unknown where there has actually been an official referendum as to whether a given state law should be locally enforced or not. A great deal of our American disrespect for the written law is based on this habit of frank local veto.

Popular resentment against a law ought to find no way to attack it save by attacking the men who have power to repeal it. The state which virtuously enacts a statute should be forced to face the

opposition to its enforcement. The state should do its work with its own agents, and the county government should be relieved from the burden of enforcing laws which it did not make and perhaps does not like. This would mean, obviously, that all the officers who enforce state laws should be appointed from the state capitol. Logically, it would seem, therefore, that the governor, whose constitutional duty it is to see that the laws are enforced, should have under his control the sheriffs, judges and district attorneys throughout the state. The district attorneys and sheriffs would be logically under the attorney-general of the state, as the federal district attorneys and marshals are under the attorney-general of the nation.

There was a time when the governor of New York State did appoint the sheriffs. The patronage was considerably abused, since each governor, in those days of the frank doctrine of "rotation in office," was apt to make a fairly clean sweep of the sheriffs and appoint new men for partisan reasons at the behest of local politicians. In making the sheriffs separately elective, the reformers of that day adopted the wrong remedy. It would have been better to work for civil service protection and to destroy the theory of "rotation in office." Certainly the device of putting the sheriffs on the ballot did not take the office out of politics!

As to the county attorneys or prosecutors, New Jersey has the plan of appointing them at the hands of the governor, and the swiftness of "Jersey justice" is probably due in no slight degree to that fact. There seems to be more excuse for electing the county attorney than for electing some of the other county officers, inasmuch as a picturesque fight often develops when a candidate for attorney expresses suspicion of corruption in other branches of government and promises to attack it. But the attack on corruption should not hang on the result of any election but should be made anyway, regardless of whether it is popular or not.

Indeed it is easy to find good reason for removing the county attorney as far as possible from politics. Election necessarily puts him under obligation to many individuals in the community and the temptation to favoritism is serious. A county treasurer must show his tell-tale vouchers and cash balance and if he is besought to repay private political debts out of the public treasury, can plead the likelihood of discovery as an excuse for scrupulousness; the shortcomings of other officers can be more or less accurately meas-

ured, but the attorney may easily and safely grant secret favors which never show on a balance sheet and never can be estimated or even guessed at by an outsider. The attorney ought to be free from all local pressures and there ought not to be a single citizen in the county whom he cannot consistently prosecute.

The coroner should become a medical subordinate in the attorney's office.

As county judges interpret state laws, the state should create them and pay for them. If they make themselves unpopular in their locality, it may be to their credit! The clerks and bailiff of the court should be appointed and controlled by the court they serve.

All this is merely saying that the states should adopt the federal judicial system entire. Thus the governor would appoint all the judges for long terms, and the attorney-general. The attorney-general would appoint the sheriffs and county attorneys and be responsible for their efficiency. I wish I could trust the doctrinaires to see that they have actually lived undisturbed under this system in the federal government, but they will not, and if the idea some day reaches the standing of a political issue, they will rail against it as an utter destruction of democratic government and an unheard-of concentration of power.

To the state also must go some of the county functions which can be better handled by concentration, such as care of the insane. Many of our county asylums are a disgrace to a modern nation and state sanitariums must be substituted. The county clerks could be improved, perhaps, by bringing them under the central supervision and appointment of the secretary of state, so that uniformity and expertness could be developed. The control of roads, too, is, in part, passing from county to state with much improvement in efficiency. The constant speeding-up of our means of communication is making our states steadily smaller, and changes of this sort are becoming easier as well as more desirable.

Having thus neatly cut off half the county and handed it over bodily to the state, we have left the county board of supervisors, the county treasurer, the county engineer or road commissioner, and others whose business is entirely concerned with local, as distinguished from state, affairs. In this field the county is, in effect, an alliance of cities and towns for the performance of certain work which can be done more economically in concert than separately.

Thus, in some cases, the county operates the high school, the constituent villages not being large enough each to maintain a high school of its own.

For such miscellaneous and purely local work there should be a unified organization in the county, very different from the present ramshackle of practically unrelated statutory officers. Administrative efficiency requires a single-headed executive organization and the chief executive should be expert, experienced and reasonably permanent. All that remains of the county should be put under the appointment of this "county manager". He should be appointed by, and under the continuous control of, the board of supervisors. He should not be necessarily chosen from among the local residents but hired from anywhere in the country as an expert, and in many cases he should also be himself the county engineer, or whatever officer may be the costliest expert required in the county government. The board of supervisors would then be purely the policy-determining body of this county with full power to levy the taxes needed and full power to hire an efficient county manager and get the desired results.

As to the supervisors there is difficulty involved in having them elective in any save small rural counties—the difficulty being the fact that the people in their infinite unspankableness will ignore those uninteresting officers and will not play the part assigned to them of selecting the members. Hold a special election for board of supervisors and the people will not bother to come to the polls. Hitch the county ballot on the bottom of the state ticket at a state election and the people will come to the polls but their votes for members of the board of supervisors will be unconsidered and uninformed and easily steered by such simple devices as a mere party emblem or, if the election be non-partisan, by the published recommendation of a partisan committee. There is usually so little real politics in a county! The present controversies are not truly political, they are rather quarrels over plunder. The issues are only the matters of which men shall get the jobs and draw the salaries. Reorganize the county on sound lines with the salaried offices all in the hands of a permanent civil service and nothing to elect but unsalaried supervisors, and the politicians will find little left to attract them. As they have always been the only ones interested, their silence will leave a void. Such a situation would be dangerous; it

would leave the county too unguarded. And as we cannot change the people and have no business to try, we must ultimately take even the supervisors off the ballot, too. Let them be appointed from the various towns in the county by the town governments with voting power proportioned to the size of their respective constituencies. They might well be the mayors of the towns, serving *ex officio* as supervisors, as is proposed to-day in Alameda county, California.

Having thus handed the other half of the county over to the constituent towns, we have left, so far as politics is concerned, no county at all!

And there is your theoretically perfect county!

Was it not said in years gone by that there was no good Indian but a dead Indian?